

## E-DISCOVERY CHECKLIST

In order to ensure that civil litigation is “just, speedy, and inexpensive” as required by Fed. R. Civ. P. 1, attorneys and parties must collaborate in the discovery process. To that end, the Court requires attorneys and *pro se* litigants to meet and confer regarding the topics set forth in this checklist and present any disputes to the Court by the date set forth in the Pretrial Scheduling Order, if not discussed prior to the Pretrial Conference.

- **ESI Protocol:** The parties must discuss whether the case warrants the joint submission of a proposed ESI Protocol for the Court’s approval. **The parties must include language in any proposed ESI Protocol that recognizes the Court’s authority to modify the terms of the Protocol for good cause at later stages of the litigation.**
- **Preservation of Information:** All parties must confirm that they are preserving relevant evidence and that appropriate litigation holds are in place. If requested, parties must disclose the scope of any litigation holds with respect to custodians, information sources and time periods.
- **Categories of Data Outside Discovery:** The parties should discuss the extent to which certain time periods or categories of ESI need not be preserved or produced because they are inaccessible, burdensome, or unlikely to yield relevant information.
- **Sources of Information:** The parties must discuss the sources of relevant information to be exchanged (email accounts, text messages, file servers, computers, databases, etc.), including corporate and personal accounts.
- **Collection Methods:** The parties must discuss methods of ESI collection and any anticipated forensic imaging necessary to preserve and collect data from each identified source.
- **Search Methodologies:** The parties must discuss the ESI search methodologies to be used, including, e.g., search term and custodian searches, any use of technology assisted review (“TAR”), and whether producing parties will conduct a relevance review prior to production.
- **Production Methods:** The parties should discuss how ESI will be produced, including format (e.g., native, PDF or TIFF files), production of load files, metadata, threading and de-duping, production of document families, and redaction methods.
- **Production Timing:** The parties must discuss whether rolling productions are anticipated and the timing for such productions.
- **Privilege Logs:** If applicable, the parties should discuss whether an alternative form of privilege logs, such as a categorical log, metadata log, or sample log would be more efficient than a traditional privilege log.